

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	CRIMINAL NO. 04-10063-RCL
)	
)	
NESTOR RODRIGUEZ)	

MOTION TO CONTINUE SENTENCING

Counsel for the defendant Nestor Rodriguez respectfully moves this Court for a continuance of the sentencing hearing in this case. The sentencing is scheduled for October 6, 2005. Counsel requests that the hearing be continued until November 7, 2005, the date on which his codefendant and brother, Ivan Rodriguez, is to be sentenced. As grounds for this motion, counsel states that she made a scrivener's error in her appointment calendar and had another matter set for sentencing on tomorrow's date, rather than this case. Although counsel filed a memorandum and supporting documents for the defendant's original sentencing hearing, she has not filed a new memorandum, which she had intended to do in this case. In sum, counsel has been caught unawares by this hearing and requests a brief continuance to prepare adequately.

Wherefore, for the above-stated reason, counsel for Nestor Rodriguez requests that this motion to continue the sentencing hearing in this case be allowed.

Respectfully submitted

By his attorney,

/s/ Syrie D. Fried
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